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SUBJECT: CAMBODIAN LAND DISPUTES MORE FREQUENT, MORE VIOLENT

REF: A. 05 PHNOM PENH 479  
[1](#)B. 05 PHNOM PENH 1215

Classified By: Econoff Jennifer Spande for reason 1.4(b).

[1](#)1. (C) SUMMARY. Land disputes--which often pit poor villagers against the powerful and wealthy--have affected 12% of Cambodians and are on the rise. The disputes take many shapes, including large economic land concessions on land claimed by indigenous groups in the northeast and a plethora of small disputes involving villagers and unclear land titles in northwestern and central Cambodia. Land speculation, lax land titling procedures and a push to improve them, dramatically rising land prices in key areas, and the recent availability of demined or inaccessible land all fuel the disputes. Prime Minister Hun Sen has publicly warned that land disputes could spark a "farmer's revolution," but so far most observers believe that Cambodian frustration has not yet reached that level of discontent. Nevertheless, land issues are likely to play an increasingly important role in Cambodian politics, particularly in the run-up to the 2007 local and 2008 national elections. END SUMMARY.

#### Land Disputes Frequent and on the Rise

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[1](#)2. (SBU) Land disputes in rural Cambodia--which pit often impoverished villagers against powerful corporations, high-ranking government officials, well-connected businessmen, or other struggling villagers--are already common and are becoming more serious and more frequent. A recent report by USAID's Asia and Near East Bureau on the human impact of forest conflict estimates that 1.7 million Cambodians--or 12% of the total population--have been directly affected by land and forest disputes over the past 15 years, either by being pushed off their land or being involved in related violence. The Cambodian Human Rights Action Committee, a coalition of 18 NGOs, has noted a 25-30% increase in land dispute cases brought to the attention of NGOs over the past few months.

[1](#)3. (SBU) In addition, land disputes are becoming more legally complex and more violent, and military involvement in land disputes is increasing, according to observers. The March 2005 eviction in Kbal Spien, near the border town of Poipet, is the most striking example of escalation, with 5 villagers killed, 14 seriously injured, and 30 detained (Ref A). Naly Pilorge, director of the human rights NGO LICADHO, summarized the situation in a comment to Econoff, "Land ownership is the number one issue affecting people in Cambodia.... When we do human rights training in villages, this is what people are most concerned about."

14. (SBU) The rise in reported land dispute cases is more a reflection of existing low-intensity land disputes now coming to a head rather than new cases of land grabbing, according to NGO observers and affected villagers. Mike Bird, Director of Oxfam-Great Britain, attributes the intensification of existing land disputes to two factors: donor-led efforts to introduce land titling and increasing amounts of financial capital in Cambodia. Land titling efforts--though only underway in areas of the country with little land conflict--have spurred some with illicit designs on acquiring more land to act now to cement their illegitimate claims so that they can gain a new land title when the titling process comes to their region. And it would appear that the high levels of capital fueling the Phnom Penh real estate boom are also fueling land speculation elsewhere. In many cases, these speculators are--knowingly or unknowingly--buying land whose ownership was already in dispute.

#### Indigenous Groups vs. Concessions in Northeast

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15. (U) Most of the rural land disputes in Cambodia occur in two regions: the sparsely populated forests of northeastern Cambodia and the "rice bowl" of northwestern and central Cambodia. Land disputes in northeastern Cambodia often pit indigenous groups against Cambodian or Sino-Cambodian companies who have been granted vast economic land concessions in quasi-legal proceedings (Ref B). These provinces are sparsely populated and the indigenous groups that have historically inhabited these areas have cultures that are based on the availability of large areas of land. Outsiders may perceive these lands as unused, when in fact they are lying fallow as part of traditional swidden (slash and burn) agriculture or are revered as "spirit forests"

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according to indigenous animist beliefs. The most egregious land disputes in these regions typically involve huge tracts of land--often on the order of 100,000 hectares--and relatively small numbers of villagers due to low population density.

16. (SBU) Observers believe that land speculation is fueling these land grabs, with well-connected business people making flimsy promises to develop the land into rubber plantations or other economic ends in order to qualify for economic land concessions. Such concessions, which are legally supposed to be limited to 10,000 hectares but in practice are often many times larger, give rights to use the land for up to 99 years. Lands under economic land concessions are typically logged and the lumber sold, but rarely is further action taken to develop the land.

#### Smaller Disputes Common in Northwest and Central Cambodia

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17. (SBU) In more densely populated northwestern and central Cambodia, a multitude of individual disputes involving small plots of land have engulfed large areas. Particularly hard hit are areas near the Thai-Cambodian border, where the value of the land has risen dramatically in recent years, leading wealthy businessmen--including foreign owners of Poipet casinos--and high-ranking government officials to engage in land speculation, according to Pilorge. Peter Swift, director of the NGO Southeast Asia Development Program, noted that demining and road construction projects have increased the value of previously unsafe and relatively inaccessible land, sparking speculation in land without clear title. In other areas, the fertile agricultural land that was once the scene of guerrilla warfare is now claimed both by the villagers who have lived there for twenty years and by military forces who liberated the area, or by businessmen who claim to have bought the land from the military.

18. (SBU) In both the northeast and the northwest, the migration of poor and landless Cambodians to new areas fuels

clashes. In some cases, migrants encroach on seemingly available land which is actually environmentally protected. In other cases, Terry Parnell of East-West Management, Inc. noted that migrants are invited to settle in a village--often by a commune leader or other local official from outside the community--in hopes that the migrants will become supporters of the local official, thereby gaining a base of ardent supporters and ensuring his power.

#### Mechanics of a Land Grab

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¶9. (SBU) While land disputes in northeastern Cambodia typically revolve around economic land concessions made with at least a veneer of legality, in the rest of the country, villagers are often persuaded, intimidated, or tricked to part with their land. Some rural residents willingly sell their land for what seems to them like a great deal of money, though it is often less than what the land is worth and almost certainly not enough to buy a comparable plot nearby. Parnell reported that in other cases, villagers have been intimidated into selling their land, being told in effect that a powerful individual would take possession of their land whether they sold or not, so they might as well sell. NGO observers also related cases where disreputable village chiefs acted as intermediaries for land sales, only to pocket the proceeds rather than forwarding them to the sellers.

¶10. (SBU) Lax land titling procedures in place before passage of the 2001 Land Law also contribute to the problem. Before the Land Law of 2001, either the commune chief or the village chief could issue land titles, and few chiefs would take the time to assess the claim or ensure there was no competing title, leading to a flurry of spurious claims. General Heng Chantha, the governor of Banteay Meanchey province, reported that in 1999, one Poipet commune chief even signed a title certifying someone else as the owner of the chief's own property without realizing what he had done. Other unscrupulous individuals create fake land titles--dated before 2001--to take advantage of the mess of land titling responsibilities. In addition to multiple individual owners, different government bodies, including the armed forces and Ministries of Interior; Agriculture, Forestry, and Fisheries; Environment; and Rural Development, sometimes have overlapping claims. Bird noted one case in Kampong Cham where seven different claims to one plot were documented. (Note: The World Bank is currently implementing a Land

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Management and Administration Project to improve land security and create an efficient land market by providing 1 million Cambodian families with land titles. However, NGO observers noted that the World Bank project is intended to formally document the ownership of undisputed land rather than to resolve land disputes, and that the World Bank has purposefully chosen to implement this project in provinces with few land disputes. End Note.)

#### The 2001 Land Law Is Sound...

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¶11. (U) The Land Law of 2001, which was drafted with extensive participation from civil society and international experts, is a progressive law that takes pains to extend land rights to marginalized Cambodians. The Land Law includes, for example, provisions for social land concessions--5 hectare plots of state land that would be given to poor families under specific conditions. The law also recognizes the communal land rights of indigenous communities, making Cambodia and the Philippines the only Southeast Asian nations to do so, according to Touch Sokha of NGO Forum. However, in practice, the progressive elements of the law are not implemented. Despite the granting of many large economic land concessions--often far beyond the legal size limits--social land concessions have not yet been implemented except for two small pilot projects. The theoretical

communal land rights of indigenous Cambodians have not been formally defined and have not prevented their land from being used as economic land concessions.

#### ...but Falls Victim to Government Inaction and Intimidation

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¶12. (C) Cadastral committees at the district, provincial, and national levels are charged with settling disputes involving untitled land, yet in reality these committees accomplish little. (Disputes involving titled land are resolved via the court system.) NGO observers described the district and provincial level cadastral committees as plagued by lack of staff and resources. Touch Sokha noted that although foreign donors fund cadastral committees, "funding from the top does not flow to the bottom." and other NGO staff reported paying for gas and other expenses associated with measuring plots and processing land cases. Sourn Siphath, director of the National Cadastral Commission Secretariat, said that district and provincial cadastral

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committees were given small advances to begin carrying out their work, but in general were expected to expend money first and then be reimbursed. (Comment: Given low civil servant salaries and insufficient ministerial budgets, the notion that cadastral committee employees could expend their own money on investigating land disputes and then wait while their requests for reimbursement proceed through the Cambodian government bureaucracy is unrealistic at best. End Comment.) Siphath told Econoff that despite being established in 2002, the commission was still drawing up procedures for the functioning of the national commission and had yet to hear any cases.

¶13. (C) Even more importantly, there is little political will at any level to accomplish the job. Bird highlighted Im Chhun Lim, Minister of Land Management, Urban Planning and Constructions, as particularly ineffective. As a CPP insider and senior minister, he should have the clout necessary to make progress on land disputes, but he is desperate to avoid a functioning national cadastral committee because, as its head, he would take the political heat for the most problematic cases.

¶14. (C) More disturbing than government inactivity, observers allege that government officials use threats, intimidation, and imprisonment to thwart villagers' efforts to claim their land. Naly Pilorge of LICADHO observed that courts are using the same legal techniques against villagers involved in land disputes that they have used against union activists and human rights activists: charges of incitement and destruction of property. In a typical scenario, according to Swift, villagers have been living in a locale for some 20 years, an outsider claims the land and puts in fence posts, and the villagers respond by pulling out the posts, leading to a charge of destruction of property. Where property isn't actually destroyed, it can easily be faked to facilitate a criminal charge, Terry Parnell alleged. The corrupt court system is hardly a fair arbiter of such cases. In one recent example cited by Thun Saray of Adhoc, the president of the court himself was party to a land dispute

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case in Sihanoukville. The judge declined to recuse himself and the Ministry of Justice refused to intervene, leaving the judge to decide on his own case.

#### NGO Efforts Have Not Been Coordinated

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¶15. (SBU) For their part, several NGO observers admitted that the NGO community has so far failed to mount an effective, coordinated campaign to combat land grabs. According to Parnell, NGOs have dealt with these as cases to be fought on a village to village basis in the court system,

rather than a systemic issue to be addressed by political change. Moreover, both NGOs and donors have been slow to share or coordinate their efforts. An umbrella group, NGO Forum, recently created a land dispute database to address this issue, but their work is just beginning. (Note: USAID has identified this issue and is working with their human rights partners to put in place new mechanisms for coordination and information sharing that can enhance advocacy efforts. End Note.) For their part, donors have made the release of a complete list of economic land concessions one of the Consultative Group (CG) benchmarks. The government has already released a partial list of land concessions, and has committed to releasing a complete list before the CG meeting in March.

#### A "Farmer's Revolution" In the Offing?

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¶16. (C) The key question is how frustrated Cambodian villagers are likely to respond to an increasing crisis. Some see land disputes as a very real threat to the Cambodian government. PM Hun Sen said as recently as December 2005 that land grabbing could spark a "farmer's revolution" and has called on soldiers and high-ranking officials to stop violating the rights of the poor. On Feb. 14, Co-Minister of the Interior Sar Kheng ordered provincial governors attending a conference at the Interior Ministry to resolve disputes in their provinces and return farmers camping out on the ground of the National Assembly to their home provinces of Kandal, Kampong Speu, Battambang, and Oddar Meanchey. Several NGO staff also see land disputes as destabilizing. Felipe Atkins of Norwegian People's Aid described land disputes as a "time bomb" and remarked, "poor people suffer abuse from the military and the rich. All that hatred must be going somewhere. At some stage it must explode." Similarly, Yeng Virak, director of Community Legal Education Center, described the land grabbing phenomenon as "a balloon being blown up like a fist".

¶17. (C) Yet other observers are less certain that this serious and pervasive issue constitutes a threat to the Hun Sen Regime. Peter Swift remarked that, in general, Cambodians will put up with a lot to avoid civil unrest. Moreover, no strong leaders on this issue have yet emerged, and public protests over big concessions aren't sustained over long periods of time. (Note: Similarly, displaced villagers camping out in Phnom Penh parks sporadically demonstrate and appeal for help, but show no signs of a sustained, organized effort. End Note.) Parnell noted that the government often takes pains to prevent community mobilization. For example, authorities evict 200 or 300 people in one community, but do so 10 at a time. Often the rest of the community sits back silently, hoping that they will avoid the same fate if they don't make trouble. Bird noted that, "there are a growing number of people who see these conflicts over land and resources as life and death" but predicted that as long as people are able to feed their families, the situation will remain stable. "However, if there's a major natural disaster and there's not enough rice to go around, you might find people who feel like there is nothing to lose," he concluded.

Comment  
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¶18. (C) The shadow of the Khmer Rouge looms large over the land dispute issue. Massive dislocations of people, including the emptying of urban centers, uprooted millions of Cambodians from 1975-79. As a result of this chaos, land titles and ownership prior to the fall of the Khmer Rouge regime are not recognized under the law. The situation was made even worse by the succeeding communist regime's disdain for private land ownership. With the threat that the current government will institute some rationality into land ownership by registering land titles, knowledgeable and

unscrupulous Cambodians appear determined to grab as much property as they can before land ownership is set in concrete. Their greed hits hardest the poorest and most vulnerable elements of society. Unfortunately, what is happening in the area of land disputes is a microcosm of the realities that face the poor and powerless throughout a society with a culture of impunity and without a reliable justice system. However, as a Secretary of State in the Ministry of Land Management told us, the Prime Minister is likely to feel compelled to show some progress in halting and reversing land grabs before the 2007 local and 2008 national elections.

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